

**HELMER, MARTINS & MORGAN  
Co., L.P.A.**

ATTORNEYS AT LAW

Fourth & Walnut Centre, Suite 1900  
105 East 4th Street  
Cincinnati, Ohio 45202-4008

James B. Helmer, Jr.\*  
Paul B. Martins  
Frederick M. Morgan, Jr.  
Julie Webster Popham\*\*  
Jennifer M. Verkamp  
Robert M. Rice  
Donald G. Stiens, Jr.

Telephone: (513) 421-2400  
Telecopier: (513) 421-7902

Of Counsel:  
Robert Clark Neff, Jr.

\*Also D.C. Bar

\*\*Also KY Bar

December 2, 2003

***Sent via Facsimile***

Neil F. Freud, Esq.  
FREUD, FREEZE & ARNOLD, LPA  
One Dayton Centre  
One South Main Street  
Suite 1800  
Dayton, Ohio 45402-2017

Geri H. Geiler, Esq.  
Julie F. Bissinger, Esq.  
Assistant City Solicitors  
Room 214, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

**Re: *Estate of Roger D. Owensby, Jr. v. City of Cincinnati, et al.,  
Case No. 01-CV-769 (S.D. Ohio)***

Dear Counsel:

On October 24, 2003 we served upon the City of Cincinnati Plaintiff's Fourth Request for Production of Documents. In accord with Rule 34(b), Fed. R. Civ. P., the City's written response to these document requests were due on Monday, November 24, 2003. No written response and no documents have been provided to date. Please immediately produce the City's written responses and the requested documents. Please also note that all objections are waived because of your failure to timely respond to these document requests. *Id.*; *Bailey v. Container Corp. of America*, 36 Empl. Prac. Dec. ¶ 35,096 (S.D. Ohio 1984) (Porter, S.J.).

Sincerely,



Paul B. Martins

PBM:kmr

cc: Mark T. Tillar, Esq. (via facsimile)  
John J. Helbling, Esq. (via facsimile)  
Donald E. Hardin, Esq. (via facsimile)  
Wilson G. Weisenfelder, Jr., Esq. (via facsimile)  
Dale A. Stalf, Esq. (via facsimile)  
Ravert J. Clark, Esq. (via facsimile)

**EXHIBIT B**